



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TJR

Docket No: 4121-00

7 December 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 December 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 1 May 1968 at the age of 17.

Your record reflects that on 27 May 1969 you were convicted by special court-martial (SPCM) of three periods of unauthorized absence (UA) totalling 62 days and use of marijuana. You were sentenced to confinement at hard labor for six months, a \$438 forfeiture of pay, and a bad conduct discharge (BCD). On 20 June 1969 you submitted a written request for immediate execution of the BCD. Subsequently, the BCD was approved at all levels of review and ordered executed. On 22 August 1969 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you plead guilty to possession of marijuana even though it did not belong to you. The Board also considered your contention that, following the death of your mother, you lost your motivation to serve and went UA. However, the Board

concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the serious nature of your drug related misconduct and your lengthy period of UA. This misconduct occurred within about a year of your enlistment. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director